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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/707,689 | 01/05/2004 | Masayuki Yamamoto | SIMTEK6845 | 1688 |
| 25776 | 7590 | 10/26/2005 | EXAMINER | |
| ERNEST A. BEUTLER, ATTORNEY AT LAW 10 RUE MARSEILLE NEWPORT BEACH, CA 92660 | | | SWARTHOUT, BRENT | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2636 | |

DATE MAILED: 10/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,689

Applicant(s)

YAMAMOTO ET AL.

Examiner

Brent A. Swarthout

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6 and 8-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8-10 and 13-15 is/are rejected.
- 7) ☒ Claim(s) 11-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a. Claims 1,3,6,8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spahn et al.

Spahn teaches a key operated vehicle antitheft device comprising key 11 with transponder, key opening 55, tumbler 21, coil 43, the coil being spaced from ferromagnetic portion of the vehicle antitheft device in the direction of key insertion (Fig.4, col.5, lines 54-67), the circuit chip 45 being contained in a projecting part of a housing also containing coil 43, the housing affixed to tumbler 21 (col.5, lines 54-63), except for specifically stating that the circuit 45 includes a receiver.

However, since circuit has all electronic components of the control circuit 39 and also processes the signals of the coupling coil 43 (col.5, lines 38-39), it would have been inherent that circuit included signal receiving means to receive the signals it processed. Use of a receiver as the receiving means would have been obvious merely depending on how signals were output from coil 43.

Regarding claim 3, since Spahn only unlocks locking means 33 when transmitted information matches (col.5, line 47), the system would have performed the function of an immobilizer.

Regarding claims 7-8, circuit 45 is on a board contained in a portion of housing 51 projecting near key opening (Fig. 3).

2. Claims 4,5,9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spahn et al. in view of Mizuno et al. (043).

Mizuno discloses desirability of attaching a key assembly cover to a tumbler mechanism using a threaded screw (Fig. 2).

It would have been obvious to attach a key assembly coil with a threaded screw as suggested by Mizuno in a vehicle antitheft device as disclosed by Spahn, in order to ensure that the coil device remained securely attached to a locking mechanism.

Regarding claim 9, choosing to use two threaded screws would have been obvious in order to hold the housing more securely to the locking mechanism.

Regarding claim 10, use of a resin material for the housing would have been obvious due to its easy deformability and low cost.

3. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spahn et al. in view of Mizuno et al. (043) and Suda et al.

Suda teaches desirability of using a transponder equipped key with a coil near a lock cylinder in order to prevent theft of a motorcycle, by at least partially disabling the steering mechanism (page 1, paragraph 4).

It would have been obvious to use the antitheft system as disclosed by Spahn and Mizuno in conjunction with a motorcycle steering immobilization

system as disclosed by Suda, in order to prevent motorcycle theft, while still enabling easy installation of the antitheft device.

4. Claims 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent A Swarthout whose telephone number is 571-272-2979. The examiner can normally be reached on M-F from 6:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Brent A Swarthout
Art Unit 2636